

REMARKS

In the office action dated November 2, 2005, the Examiner rejected claims 3-22 for double-patenting over U.S. Patent 5,996,006 and as being obvious in light of U.S. Patent No. 6,253,188 to Witek (hereinafter "Witek") in combination with U.S. Patent No. 5,764,732 to Lubachevsky ("Lubachevsky") and U.S. Patent No. 5,737,395 to Irribarren ("Irribarren").

Double Patenting

Applicant has enclosed herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicant respectfully submits that the submission of this disclaimer fully addresses the Examiner's rejection for double-patenting.

New Claims 23-42

Applicant has canceled claims 3-22 and submitted new claims 23-42. The cancellation of claims 3-22 and addition of new claims 23-42 was not done in response to the Examiner's citation of Witek, Lubachevsky or Irribarren. In fact, the Examiner will note that the new claims recite substantially the same subject matter as claims 23-42, but are revised as to form. New claims 23 and 24 read as follows:

23. (New) A method for operating a computer based personal advertising system, the method comprising the steps of:

receiving data from a first party via the Internet, the data including a personal profile and an email address;

receiving a video recording from the first party;
storing the video recording;
receiving from a second party a request for the video recording;
playing the video recording for the second party;
receiving, via a telephone network, a voicemail message from the second party to the first party;
sending an email to the first party notifying the first party of the receipt of the voicemail message;
receiving from the first party, via the telephone network, a request for the voicemail message; and
playing the voicemail message to the first party via the telephone network.

24. (New) The method according to claim 23, further comprising the steps of:
receiving an image from the first party;
reviewing the video recording and the image; and
making available, via the personal advertising system, at least one of the video recording and image subsequent to review.

Upon a review of the pending claims, the Examiner will note that each of the pending claims recites some combination of the following four specific limitations:

Receiving an email address from an advertising party

Advertising postings including audio recordings

Advertising postings including video recordings

Sending an email providing notification of a received message

Reviewing and approving video recordings prior to their posting

Upon a review of the cited references, Applicant respectfully submits that the Examiner's rejection of claims 3-22 was improper,

as the references do not, even in combination, teach the recited limitations of either previous claims 3-22 or new claims 23-42, as discussed in more detail below.

The Witek Reference:

Witek discloses an automated interactive system for the internet. The Examiner cites Witek as the principal reference in support of his rejection for obviousness, but the Examiner himself concedes that Witek fails to teach at least the following:

Advertising postings including audio recordings

Advertising postings including video recordings

Sending an email providing notification of a received audio message

Reviewing and approving recordings prior to their posting

Upon a review of the teachings of Witek, Applicant respectfully submits that Witek also fails to teach the step of *receiving an email address* from the advertising party. The Examiner cites a teaching of receiving an *internet address* to which certain data is to be sent. Applicant respectfully submits, however, that the internet address identified by the Examiner does not read on an *email address*, but reads rather on an *internet protocol address*, which is a very different thing. Accordingly, Witek cannot be read to support a prima facie case of obviousness of the pending claims

unless the other cited references supply each and every one of the limitations missing from Witek. As discussed in further detail below, they cannot be read to do so.

The Irribarren Reference:

The Examiner has cited Irribarren as teaching certain limitations conceded by the Examiner to be missing from Witek. Irribarren teaches an enhanced voicemail system capable of integrating voice, facsimile and electronic mail data through a personal computer. The enhanced voicemail system of Irribarren is of the type used by an enterprise for communication with its employees. Irribarren teaches that a messaging system can deliver video and graphics data in addition to text data. Irribarren does not, however, relate to advertising, classified personals or otherwise. Upon our review of Irribarren, Applicant has found no discussion of or reference to advertising of any sort, including personals advertising. Accordingly, Applicant respectfully submits that Irribarren does not teach:

A method of operating an advertising system

Personals advertisements

Advertising postings including audio recordings

Advertising postings including video recordings

Reviewing and approving video recordings prior to their posting

Receiving an email address from an advertising party

Not only does Irribarren fail to teach these limitations, such limitations would make no sense whatsoever within the context of an enterprise voicemail system. Accordingly, Applicant respectfully submits that Witek and Irribarren do not, even in combination, support a *prima facie* case of obviousness of any of the pending claims.

The Lubachevsky Reference:

Lubachevsky discloses a called party mailbox service. The system of Lubachevsky establishes called party mailboxes for a specified duration upon request of a calling party when a called party fails to respond to the calling party. Upon our review of Lubachevsky, Applicant has found no discussion of or reference to advertising of any sort, including classified personals advertising. Accordingly, Applicant respectfully submits that Lubachevsky, like Irribarren, fails to teach:

A method of operating an advertising system

Personals advertisements

Advertising postings including audio recordings

Advertising postings including video recordings

Reviewing and approving video recordings prior to their posting

Receiving an email address from an advertising party

In order to make out a *prima facie* showing of obviousness according to the patent laws of the United States and the regulations of the U.S. Patent and Trademark Office, the Examiner has a burden to show that *each and every limitation* found in the claims is found in at least one of the cited references. Applicant respectfully submits that the Examiner has failed to make a proper *prima facie* showing of obviousness over Witek, even in combination with Irribarren and Lubachevsky, as these references do not, even in combination, teach each and every limitation found in the rejected claims. As discussed above, Applicant respectfully disagrees with certain of the Examiner's characterizations as to certain teachings of the cited references. The Examiner *himself* has conceded that none of the references teach reviewing submitted video content before permitting other users to view the content. Accordingly, Applicant respectfully submits that new claims 23-42 are allowable over the cited art and requests that the Examiner allow new claims 23-42.

Fee Statement

Applicant has submitted herewith a request for a three-month extension of time for reply along with a form PTO-2038 for payment of the prescribed petition fee and terminal disclaimer fee. The total number of claims has been unchanged by way of the present Response. Applicant believes no fees not enclosed herewith are due with this Response. If additional fees are due or an overpayment

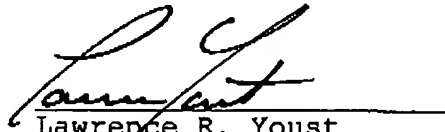
has been made, please debit or credit our deposit account, Account No. 03-1130.

Conclusion

In view of the foregoing, the Examiner is respectfully requested to allow the claims presented for consideration herein. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 2nd day of May, 2006.

Respectfully submitted:



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